

# BILL ANALYSIS

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Department, Board, Or Commission	Author	Bill Number
Franchise Tax Board	Lieu	AB 295

## SUBJECT

State Agencies/Collection of Demographic Data/Asian And Pacific Islander Groups

## SUMMARY

This bill would require a state agency that collects certain demographic data to use additional collection categories and make the data available to the public.

This bill would require specified state agencies to make certain changes in collecting demographic data that do not pertain to Franchise Tax Board and are not discussed in this analysis.

## PURPOSE OF BILL

According to the author's office, the purpose of the bill is to improve the collection of demographic data to assist in understanding how specific ethnic populations utilize state services and benefits.

## EFFECTIVE/OPERATIVE DATE

This bill would be effective January 1, 2008, and would be operative for demographic data collected on or after that date.

## ANALYSIS

### FEDERAL/STATE LAW

When federal agencies are collecting racial or ethnic origin data, those agencies are required to ensure that individuals have the option of selecting one or more ethnic or racial designations on the federal form to more accurately reflect the respondent's ethnic origin or race.

The US Census contains ethnic designations that include Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, Native Hawaiian, Guamanian, Chamorro, Samoan, or other Asian or Pacific Islander ethnicities.

Current state law contains no specific requirement to report race or ethnic origin for tax administration purposes. Current state law prohibits, among other things, the consideration of ethnic origin in employment decisions. Subsequent to employment, ethnic, marital status, and gender data may be obtained and maintained for research and statistical purposes when safeguards preventing misuse of the information exist. Current state applications provide an optional information section identifying demographic data that is separated from the application and forwarded to the State Personnel Board for statistical purposes.

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State agencies, boards, or commissions that directly or by contract collect ancestry or ethnic origin demographic data of Californians are required to utilize separate categories for each major Asian and Pacific Islander group. The Asian or Pacific Islander ethnic categories required to be collected separately include Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, Samoan, Laotian, and Cambodian.

### **THIS BILL**

This bill would require state agencies that collect demographic ethnic data to report the collected data according to each Asian and Pacific Islander group specified and make the data available to the public to the extent that disclosure does not violate confidentiality. Franchise Tax Board (FTB) would be required to revise only one post employment form to comply with this bill.

This bill also requires specified state agencies to expand the categories of each major group into two categories as follows:

- Asian group to include Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, and Cambodian, Bangladeshi, Fijian, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai.
- Native Hawaiian and Pacific Islander groups to include Native Hawaiian, Guamanian/Chamorro, Samoan, Fijian, and Tongan.

FTB is not one of those specified state agencies required to expand the categories of data collected discussed above.

### **LEGISLATIVE HISTORY**

SB 26 (Simitian, 2007) would require state agencies that collect demographic data based on ethnicity to offer the respondent an option to select one or more designations to reflect accurately their ethnic origins. This bill was held in the Assembly Appropriations Suspense File.

### **PROGRAM BACKGROUND**

FTB currently collects demographic data relating to ethnicity through use of the state employment application and in one additional post employment personnel form.

### **FISCAL IMPACT**

This bill would not impact the department's costs.

### **ECONOMIC IMPACT**

The provisions of this bill would not impact the state's income tax revenues.

## **VOTES**

Assembly Floor – Ayes: 50, Noes: 28  
Senate Floor – Ayes: 27, Noes: 13

## **LEGISLATIVE STAFF CONTACT**

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